

United States District Court
Eastern District of California

Finny Earl Wallace,

Plaintiff,

vs.

D. K. Butler, et al.,

Defendants.

No. Civ. S 03-0003 MCE PAN P

Findings and Recommendations

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September 4, 2003, the court dismissed plaintiff's complaint for failure to state a claim upon which relief could be granted, explained the deficiencies and gave plaintiff leave to file an amended complaint correcting them.

April 25, 2005, plaintiff filed a second-amended complaint, but it fails to correct the deficiencies and fails to state a claim.

Accordingly, I hereby recommend that this action be dismissed for failure to state a claim upon which relief could be

1 granted. 28 U.S.C. § 1915A; 28 U.S.C. § 1915(g).

2 Pursuant to the provisions of 28 U.S.C. § 636(b)(1), these
3 findings and recommendations are submitted to the United States
4 District Judge assigned to this case. Written objections may be
5 filed within 20 days of service of these findings and
6 recommendations. The document should be captioned "Objections to
7 Magistrate Judge's Findings and Recommendations." The district
8 judge may accept, reject, or modify these findings and
9 recommendations in whole or in part.

10 Dated: June 29, 2005.

11 /s/ Peter A. Nowinski

12 PETER A. NOWINSKI

13 Magistrate Judge
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